

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

WISCONSIN CARRY, INC,
DAVID BERNSON,
FRANK HANNAN ROCK,
GREG PLAUTZ, and
JEFF LEIFER

Plaintiffs,

Case No. 10-C-009

v.

CITY OF MILWAUKEE, CITY OF RACINE
CITY OF GREENFIELD, CITY OF MANITOWOC,
MICHAEL NIESKES, KURT KEZESKE,
JESSIE METOYER, and
RICHARD PRINCE

Defendants.

**MOTION TO DISMISS ALL CLAIMS OF PLAINTIFFS WISCONSIN CARRY,
INC., DAVID BERNSON, FRANK HANNON ROCK, AND JEFF LEIFER
AGAINST THE CITY OF GREENFIELD PURSUANT TO FRCP 12(b)(6)
AND FRCP 12(c)**

Now comes the Defendant City of Greenfield, by its attorneys, Crivello Carlson, S.C., and as and for their Motion to Dismiss all claims of Plaintiffs Wisconsin Carry, Inc., David Bernson, Frank Hannon Rock, and Jeff Leifer, hereby submit the following:

The Defendant, City of Greenfield, hereby moves this court for an order dismissing all claims and complaints of the plaintiffs Wisconsin Carry, Inc., David Bernson, Frank Hannan Rock, and Jeff Leifer against it, as none of these plaintiffs make any claims, allegations or assertions against the City of Greenfield in their complaint. None of these plaintiffs allege any

claims or facts against the City of Greenfield, or make any claims against the City of Greenfield upon which relief can be granted. Finally, none of these specific Plaintiffs allege or assert affirmatively in any way that they have specifically been affected in any way by any alleged acts of the City of Greenfield, or identify any specific relief they are seeking specifically against the City of Greenfield. In addition, based on the above, none of these Plaintiffs have any standing to sue the City of Greenfield. As a result, the complaint must be dismissed pursuant to FRCP 12(b)(6) for failure to state a claim upon which relief can be granted.

In addition, and in the alternative, the Defendant City of Greenfield requests judgment on the pleadings, dismissing the claims and complaints of Plaintiffs Wisconsin Carry, Inc., David Bernson, Frank Hannan Rock and Jeff Leifer pursuant to FRCP 12 (c) based on the fact that these Plaintiffs have no standing to sue the City of Greenfield on the grounds stated and, again, make no claims or assertions whatsoever against the City of Greenfield. This motion is based on the face of Plaintiffs' complaint and FRCP 12 (c). The Defendant City of Greenfield also requests that such dismissal be on the merits and with costs according to law to be assessed against these plaintiffs.

Dated this 26th day of April, 2010.

BY: s/ William W. Ehrke
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